

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CASE NO. 5:07-HC-2167-D

UNITED STATES OF AMERICA

vs.

**AMENDED PROPOSED JOINT
PRE-TRIAL ORDER PURSUANT TO
L.R. 16.1(c) E.D.N.C.**

MARC CHRISTOPHER TURNER
Respondent.

I. STIPULATIONS

1. All parties are properly before the Court.
2. The Court has jurisdiction of the parties and the subject matter.
3. All parties have been correctly designated.
4. There is no question as to misjoinder or non-joinder of the parties.
5. This action arises under the *Adam Walsh Act*, Title 18, United States Code § 4248

and this Court has original jurisdiction.

6. Venue of this matter is proper.
7. Copies of all official documents, documents kept in the ordinary course of business,

and all production exchanged during discovery in this matter are genuine and authentic.

II. FACTS

A. PETITIONER

a. On September 7, 2007, Respondent Marc Christopher Turner (“Turner”) was certified as a sexually dangerous person pursuant to Title 18, United States Code § 4248.

b. On June 29, 2007, Turner’s Supervised Release was revoked for unauthorized internet access, failure to provide phone records, and failure to submit to monthly supervision reports.

c. On August 4, 2006, Turner was convicted of Indecent Exposure in Sutter County, California Superior Court. The offense conduct involved Turner exposing himself to a 3 year old girl at a Big Lots.

d. On September 14, 2001, Turner was convicted of two counts of

Distribution of Visual Depiction of Minor Engaging in Sexually Explicit Conduct in the Eastern District of California.

e. On November 23, 1998, Turner was convicted of Indecent Exposure in Yuba County Superior Court.

f. On April 27, 1997, Turner was convicted of Indecent Exposure in Yuba County Municipal Court.

B. RESPONDENT

a. Respondent has a high school diploma and an Honorable Discharge from the United States Army.

b. Respondent has an excellent history of work and attitude with respect to work in and outside of prison,

c. Respondent has no history of convictions in any jurisdiction for actual touching or molestation of a child or sexually violent conduct.

D. LEGAL ISSUES

a. Has Marc Turner engaged in or attempted to engage in sexually violent conduct or child molestation?

b. Is Marc Turner sexually dangerous in that he suffers from a serious mental illness, abnormality or disorder, and as a result of his serious mental illness, abnormality or disorder, would have serious difficulty in refraining from sexually violent conduct or child molestation if released?

III. EXHIBITS

A. PETITIONER

No.	Description	Bates Stamp #'s	Objection
1	CV of Dr. Dale Arnold	n/a	
2	Evaluation for Civil Commitment as Sexually Dangerous Person by Dr. Dale Arnold dated October 3, 2010	1741-1772	protected by privilege
3	Evaluation for Civil Commitment as Sexually Dangerous Person Update by Dr. Dale Arnold dated October 10, 2011	2021-2039	protected by privilege
4	CV of Dr. Tanya Cunic	n/a	
5	Forensic Report of Dr. Tanya Cunic dated August 20, 2010	1-12; 953	protected by privilege
6	BOP Record dated July 22, 2010	740	

7	Judgment in a Criminal Case dated July 9, 2007 (E.D.Ca.) Re: Revocation of Supervised Release	22-28; 36-41; 18-21	
8	Judgment dated August 4, 2006 (Superior Court of California, County of Sutter), Criminal Information, Report of Probation Officer, and Investigative Materials re: Lewd and Obscene Conduct	1589-1592; 1587-1588; 1557-1576; 1105-1110	Hearsay; no authentication on officer notes only
9	Amended Judgment in a Criminal Case dated February 14, 2002 (E.D.Ca.)	29-35	
10	Judgment in a Criminal Case dated September 14, 2001 (E.D.Ca.)	339-345	
11	Presentence Investigative Report	102-121	
12	Investigative Materials	1380-1397; 1405-1407; 1414-1417	Hearsay no authentication
13	Sex Offender Treatment Program Discharge Report dated January 1, 2004	1180-1193	protected by privilege
14	Memorandum re: Sex Offender Treatment Program Expulsion dated October 31, 2003	60	protected by privilege
15	BOP Record re: Cell Search dated October 28, 2003	766	
16	Psychosexual History Questionnaire	1254-1283	protected by privilege
17	Psychosexual History Questionnaire	1194-1248	protected by privilege
18	BOP Report re: Inappropriate Behavior dated August 20, 2003	771	
19	Penile Plethysmograph Response (PPG) data dated March 11, 2003	1284-1302	protected by privilege
20	Sex Offender Treatment Program Journal Entries and "Arousal Log" with various dates	2259-2268; 2269-2270; 2275-2276	protected by privilege
21	Sex Offender Treatment Program dated May 20, 2002	1167-1179	protected by privilege
22	Psychological Evaluation of Dr. Christopher Heard dated March 30, 2001	1147-1456; 1445-1446	protected by privilege

23	Report of Probation Officer dated April 2, 1997 re: Indecent Exposure	1352-1361	
24	BOP Incident Report re: Possession of Anything not Authorized dated May 11, 2011	2070-2072	

Petitioner reserves the right to designate and use any exhibits identified by Respondent in this action. Respondent reserves the right to designate and use any exhibits used by Respondent in this action.

B. RESPONDENT

No.	Description	Bates Stamp #'s	Objection
1	CV Dr. John Warren	n/a	
2	Evaluation of Dr. John Warren regarding Respondent	Respondent 1-17	
3	Reference to High School Diploma and Honorable Discharge from US Army	Respondent 3-4	
4	Superior/Good Employment History at BOP	BOP Bates 59, 62, 64, 208, 210, 212, 220, 2054, 2056, 2062, 2064 (Numerous other pages in Petitioner Disclosures)	
5	Deposition of Dr. Dale Arnold dated September 13, 2011	n/a	hearsay

Respondent reserves the right to designate and use any exhibits identified by Petitioner in this action.

IV. DESIGNATION OF PLEADINGS AND DISCOVERY MATERIALS

A. PETITIONER

Petitioner designates the entire pleadings and responses and the transcripts of the following depositions for purposes of cross-examination: Dr. John Warren and Marc Turner.

Petitioner reserves the right to use, as necessary, all portions of these documents, as appropriate, pursuant to the Federal Rules of Evidence and the Local Rules.

B. RESPONDENT

Respondent designates the entire pleadings and responses and the transcripts of the following depositions for purposes of cross-examination: Dr. Tanya Cunic, Dr. Dale Arnold, and Respondent Marc Christopher Turner.

V. WITNESSES

A. PETITIONER

Name	Address	Proposed Testimony
Dr. Dale Arnold	PO Box 182 Pismo Beach, CA 93448	Expert Testimony re: Issues (a) and (b) identified by Petitioner
Dr. Tanya Cunic	Federal Correctional Complex Psychology Services PO Box 1000 Butner, NC 27509	Expert Testimony re: Issues (a) and (b) identified by Petitioner
Marc Turner	Respondent	Testimony re: prior offenses and convictions, facts relating to same, and institutional conduct
Lynelle Cox	Federal Correctional Complex PO Box 1000 Butner, NC 27509	Ms. Cox is the Records Custodian at FCI Butner. If necessary, she will be called to testify that the documents offered are kept in the regular course of business in a system of records that they are required to maintain.

Petitioner reserves the right to call any witness listed by Respondent in this Pretrial Order.

Petitioner reserves the right to call rebuttal witnesses, as appropriate. Respondent reserves the right to call sur-rebuttal witnesses, as appropriate.

B. RESPONDENT

Name	Address	Proposed Testimony
Dr. John Warren	840 West Fourth Street Winston-Salem, NC 27101	Expert Testimony regarding issues (a) and (b) as Identified by the Petitioner and about actuarial assessments and dynamic factors regarding Respondent

Respondent reserves the right to call any witness listed by Petitioner in this Pretrial Order.

TRIAL TIME ESTIMATE: 2 days

FOR PETITIONER:

THOMAS G. WALKER
United States Attorney

By: /s/ Joshua B. Royster
JOSHUA B. ROYSTER
Attorney for Petitioner
Assistant United States Attorney
Civil Division
310 New Bern Avenue
Suite 800, Federal Building
Raleigh, NC 27601-1461
Telephone: 919-856-4530
Facsimile: 919-856-4821
Email: joshua.royster@usdog.gov
N. C. Bar No. 28785

FOR RESPONDENT:

THE LAW OFFICES OF W. H. PARAMORE, III, P.C.

By: /s/ W. H. Paramore, III
WALTER H. PARAMORE, III
Attorney for Respondent
410 New Bridge Street, Ste. 4
Jacksonville, NC 28540
Telephone: 910-347-1800
N. C. Bar #: 7257
L.R. 57.1 Counsel
Appointed
E-mail: whparamore@bizec.rr.com

APPROVED BY:

James C. Dever, III
Chief, United States District Judge

February ____, 2012